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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,607	01/11/2001	Jeong Hwan Hwang	630-1209P	8011
7590	09/23/2005		EXAMINER	
BIRCH, STEWART, KOLASCH & BIRCH, LLP P.O. Box 747 Falls Church, VA 22040-0747			SELBY, GEVELL V	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/757,607

Applicant(s)

HWANG, JEONG HWAN

Examiner

Gevell Selby

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 10-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 16-18 and 20-30 is/are allowed.
- 6) ☒ Claim(s) 4-15 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/30/05 has been entered.

### ***Response to Arguments***

2. Applicant's arguments, see the amendment, filed 6/30/05, with respect to claims 1-3 and 21-25 have been fully considered and are persuasive. The 35 U.S.C. 102(e) rejections of claims 1-3, 16-18, and 21-25 has been withdrawn.

Applicant's arguments, see the amendment, filed 6/30/05, with respect to the rejection(s) of claim(s) 4-15, and 19 under 35 U.S.C. 102 and 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Endsley et al., US 6,005,613.

### ***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claim 19 is rejected under 35 U.S.C. 102(e) as being anticipated by Hashimoto et al., US 6,344,875.**

For claim 19, Hashimoto et al. discloses a PC (personal computer) camera comprising:

a memory means (see figure 1, element 16) for storing digital audio data (see column 9, lines 52-53); and

a digital audio decoding means (see figure 1, element 3) for reproducing an original sound by decoding the digital audio data stored on the memory means in a digital audio reproducing mode of the PC camera (see column 7, lines 44-51);

first detecting means for detecting whether the PC camera is electrically separated from a PC (see column 10, lines 53-54);

wherein the first detecting means includes one of the following:

a switch disposed at an area where the PC camera mates with a holder for the PC camera, or a detector detecting a receipt of a USB standard signal from the PC (see column 10, lines 54+); The detecting means can be any signal of any communication portal that performs a similar function as an RS-232 protocol);

Art Unit: 2615

mode switching means (see figure 1, element 23) for automatically switching the PC camera to one of different modes of the PC camera based on the detection result (see column 4, lines 34-42); and

second detecting means (see figure 13B, element 284) for detecting a use state of a lens of the PC camera (see column 4, lines 34-42); and

wherein the mode switching means places the PC camera in a digital camera mode to use the PC camera as a handheld camera apart from the PC, if the first detecting means detects that the PC camera is electrically separated from the PC (see column 10, lines 33-34) and if the second detecting means detects that the lens of the PC camera is in a use state (see column 4, lines 34-42: switch 284 is set to record).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 4-5, 8, and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tullis US, 6,535,243, in view of Endsley et al., US 6,005,613.**

For claim 4, Tullis US, 6,535,243, discloses a PC (personal computer) camera comprising:

a viewfinder (Element 68) for recognizing direction and range of a photographing object (Column 4, Lines 61-64: It is inherent that the viewfinder or

LCD shows the image that is being captured as the image is captured; it allows the photographer to easily place the camera in the correct range and direction to take the picture of the object. When an image is being photographed on the LCD is turned on, the image is displayed; therefore, it recognizes range and direction of the object);

a memory means (Element 52) for storing a photographed compressed image (Column 4, Lines 25-47) and digital audio data (Column 8, Lines 7-24; Element 52 stores the digital audio data; Tullis clearly teaches that voice data is managed in the same manner as image data);

an image-processing means for storing the picture processed-photographing image signal on the memory means after compressing the image signal in a digital camera mode (Column 4, Lines 27-31), transmitting the compressed image signal stored on the memory means to the PC in a still image transmission mode (Column 4, Lines 27-31);

a digital audio decoding means for reproducing the original sound by decoding the digital audio data stored on the memory when a digital audio reproducing mode is set in the PC camera (Column 8, Lines 7-24); and

a control means (Figure 2 Element 56) for controlling the operation corresponding to the pertinent mode after judging if the PC camera is in the digital camera mode, still image transmission mode (Column 2, Line 40 though Column 3, Line 40) or digital audio reproducing mode (Figure 2, Element 64;

Art Unit: 2615

Column 4, Lines 53-60; Column 7, Lines 52-65; The control means controls the still video and digital transmission modes as is explained Column 8, Lines 15-24).

The Tullis reference does not disclose the image-processing means for transmitting a picture processed photographing image signal to a PC coupled to the PC camera in a videoconference mode and the control means for controlling the operation corresponding to the videoconference mode.

Endsley et al., US 6,005,613, discloses a digital camera, which captures still or motion images and transfers the images to a host computer (see column 2, lines 6-45). The camera has a image-processing means for transmitting a picture processed photographing image signal to a PC coupled to the PC camera in a videoconference mode (see column 3, lines 16-20) and the control means for controlling the operation corresponding to the videoconference mode (see column 6, lines 41+).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Tullis, US 6,535,243, in view of Endsley et al., US 6,005,613, to have the image-processing means for transmitting a picture processed photographing image signal to a PC coupled to the PC camera in a videoconference mode and the control means for controlling the operation corresponding to the videoconference mode, in order to send moving images to a host computer to provide moving images with the audio of the users communicating, enhancing the communication.

For claim 5, Tullis, US 6,535,243, in view of Endsley et al., US 6,005,613, discloses all the previous limitations of claim 4. The Tullis reference discloses wherein

the image-processing means stores the digital audio data from the PC on the memory means (Column 8, Lines 7-24).

For claim 8, Tullis, US 6,535,243, in view of Endsley et al., US 6,005,613, discloses all the previous limitations of claim 4. The Tullis reference discloses wherein the PC camera further comprises additional memory means for storing the photographed image and digital audio data, the additional memory means being detachable from and attachable to the PC camera (Figure 2, a laptop computer is considered a memory means, which is able to store photos or images transmitted from the PC camera).

For claim 10, Tullis, US 6,535,243, in view of Endsley et al., US 6,005,613, discloses all the previous limitations of claim 4. The Tullis reference discloses wherein the PC camera further comprises a wireless communication means for converting a photographed image or a compressed image stored on the memory means into a wireless signal and transmitting the wireless signal to the PC (Column 8, Lines 7-24; Column 2, Lines 40-57, Column 5, Lines 14-42).

For claim 11, Tullis, US 6,535,243, in view of Endsley et al., US 6,005,613, discloses all the previous limitations of claims 4. Endsley discloses wherein a USB standard is used for data transfer between the PC and the PC camera (see column 3, lines 8-15).

For claim 12, Tullis, US 6,535,243, in view of Endsley et al., US 6,005,613, discloses all the previous limitations of claim 10. The Tullis reference discloses wherein the PC camera further comprises a wireless communication means stores the digital audio



Art Unit: 2615

data received from the PC through a wireless memory means (Column 8, Lines 7-24; Column 2, Lines 40-57).

For claim 13, Tullis, US 6,535,243, in view of Endsley et al., US 6,005,613, discloses all the previous limitations of claim 4. The Tullis reference discloses wherein the PC camera further comprises a second display (Figure 2, display 8) for displaying an image photographed at the present in addition to a first display for displaying a subject to be photographed (Column 5, Lines 4-7).

**8. Claims 6-7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tullis, US 6,535,243, in view of Endsley et al., US 6,005,613, as applied to claim 4 above, and further in view of Suzuki, US 6,380,975.**

For claim 6, Tullis discloses all the previous limitations of claim 4, but lacks teaching wherein the control means judges and determines a mode change to the digital audio reproducing mode when an earphone is inserted into the PC camera in a state in which the lens cap of the PC camera is closed. However, Tullis does disclose a control switch that activates the camera into a digital audio reproducing mode (Column 8, Lines 7-24). Specifically, Tullis lacks teaching of the earphone and the lens cap.

Nevertheless, Suzuki teaches the digital audio reproducing mode when the earphone is inserted (Column 37, Line 60 through Column 39, Line 10). Suzuki does not specify whether a lens cap is closed or open.

The Official Notice taken in the previous action that "it is well-known in the art to use a lens cap detection device to determine if the lens cap is closed and inhibit recording mode until it is removed so that the desired photographing object will not be blocked by

Art Unit: 2615

the cap” is taken as prior art, since the applicant did not object to the Official Notice in the response.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have been motivated to modify Tullis, US 6,535,243, in view of Endsley et al., US 6,005,613, and further in view of Suzuki, US 6,380,975, to use the lens cap when it is closed to determine the state of whether the camera would be recording or reproducing in combination with an earphone being inserted into an earphone jack at the time of the invention in order to determine whether the camera is in reproducing or recording mode as suggested by Suzuki in Column 38, Lines 11-64.

For claim 7, Tullis, US 6,535,243, in view of Endsley et al., US 6,005,613, and further in view of Suzuki, US 6,380,975, discloses the limitations of claim 6. Suzuki also discloses wherein the PC camera comprises a switch inside of an earphone jack, the switch being turned on when the earphone is inserted into the PC camera, which in turn turns on the digital audio reproducing mode (Column 37, Line 60 through Column 39, Line 10).

For claim 14, Tullis, US 6,535,243, in view of Endsley et al., US 6,005,613, discloses the previous limitations of claim 4. Both references lack teaching wherein the PC camera further comprises a plurality of adjustment buttons for switching in to the video conference mode or the digital camera mode or the digital audio reproducing mode, for starting photographing in the digital camera mode, for selecting a music in the digital audio reproducing mode, and for selecting functions including a reproducing start function and volume adjustment function.

However, Suzuki teaches wherein the PC camera comprises additionally a plurality of adjustment buttons (Column 18, Lines 36-62) for switching in to the video conference mode or digital camera mode (Column 18, Line 48) or digital audio reproducing mode (Column 20, Line 55 through Column 21, Line 6, Column 17, Lines 65-67), starting photographing in the digital camera mode (Column 18, Line 48), selecting a music in the digital audio reproducing mode (Column 20, Line 64 through Column 21, Line 6), and selecting functions such as a reproducing start (Column 18, Line 46) and volume adjustment (Figure 16', Column 19, Line 39 through Column 20, Line 54). It is noted that Tullis does teach a control interface (64) to allow an operator to control the functions of the camera (Column 4, Lines 53-60)

Adding the functionality and buttons of the Suzuki would have been obvious to one of ordinary skill in the art at the time of the invention to the control interface (64) of reference to Tullis in view of Endsley in order to allow more sophisticated still picture and motion picture data that is combined with digital voice data as suggest by Suzuki in Figures 16 and 19 (See also Column 18, Lines 24-36).

**9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tullis, US 6,535,243, in view of Endsley et al., US 6,005,613, in view of Suzuki, US 6,380,975, and further in view of Ando (US 4,888,795).**

For claim 15, Tullis, US 6,535,243, in view of Endsley et al., US 6,005,613, and further in view of Suzuki, US 6,380,975, discloses the previous limitations of claim 14. The references do not disclose wherein the PC camera further comprises a hold key for invalidating a function buttons of non-selected modes. However, the references do teach

Art Unit: 2615

and disclose a multifunction PC camera with numerous switches and buttons as previously noted.

Ando teaches a video telephone apparatus that uses a key that invalidates or disables (Figure 1, Element 73) a picture from being sent during video teleconferencing. This would be useful in many situations and certainly when one would not want a picture to be transmitted (Column 4, Lines 35-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have been motivated to modify Tullis, US 6,535,243, in view of Endsley et al., US 6,005,613, in view of Suzuki, US 6,380,975, and further in view of Ando (US 4,888,795) to have a hold key that disables a picture from being sent after it has been selected in the apparatus of Tullis and Suzuki, in order to not send an undesirable picture image as suggested by Ando in Column 4, Lines 35-40.

#### *Allowable Subject Matter*

10. Claims 1-3, 16-18, and 20-30 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

In regard to claims 1-3, 16-18, and 20-30, the prior art does not disclose the combination of limitations claimed, specifically the limitations of:

“a first on/off switch for opening and closing a lens cap;

a second switch for detecting whether the camera is, or is not, connected to the PC;

...a controller that determines that the camera (1) is in a still image transmission mode when the first switch is off and the second switch is on; (2) is in the digital mode of camera operation for photographing a still image when the first switch is on and the second switch is off; and (3) is in the videoconferencing mode when the first and second switches are on” as claimed in claim 1.


### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs

  
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EXAMINER